

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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PRISCILLA DUNCAN, GARY PETERSON,  
and MICHAEL ATHANAS TRUSTEES OF  
MARBLEHEAD HARBOR CONDOMINIUM  
TRUST,

Plaintiffs,

v.

MICHAEL D. BROWN, DIRECTOR FEDERAL,  
EMERGENCY MANAGEMENT AGENCY  
UNDER SECRETARY OF EMERGENCY  
PREPAREDNESS AND RESPONSE OF THE  
DEPARTMENT OF HOMELAND SECURITY,

Defendant.

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Civil Action No. 04-10626-REK

**DEFENDANT'S MOTION FOR EXTENSION OF  
TIME TO RESPOND TO THE COMPLAINT**

Now comes the above-captioned Defendant,<sup>1</sup> and hereby moves this Court for an extension of time **up to and including December 20, 2004**, to respond to Plaintiffs' Complaint. Such an extension will allow the undersigned counsel the additional time to obtain the operative facts and background information of this matter from the relevant agency (Homeland Security).

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<sup>1</sup> This motion is not intended to be a responsive pleading. By the filing of this motion, Defendant is not waiving any of the procedural, affirmative, or other waivable and non-waivable defenses available to it in the normal course of filing a responsive pleading. Defendant intends to raise those defenses when he answers or otherwise responds to the Complaint.

WHEREFORE, Defendant respectfully requests that this Court allows its motion for an extension of time **up to and including December 20, 2004**, to respond to the Complaint.

Respectfully submitted,

MICHAEL D. BROWN,

By his attorneys,

MICHAEL J. SULLIVAN  
United States Attorney

/s/ Michael Sady  
Michael Sady  
Assistant U.S. Attorney  
John J. Moakley Federal Courthouse  
One Courthouse Way, Suite 9200  
Boston, MA 02210  
(617) 748-3100

Dated: October 25, 2004

LOCAL RULE 7.1 (A)(1) CERTIFICATION

The undersigned counsel certifies that he has attempted to confer with plaintiffs' counsel about the request of an extension, however to no avail.

/s/ Michael Sady  
Michael Sady

CERTIFICATE OF SERVICE

I hereby certify that on October 25, 2004, I caused a copy of the attached document to be sent by first-class mail to plaintiffs' counsel, Jonathon D. Friedman, Rudolph Friedmann, LLP, 92 State Street, Boston, MA 02109.

/s/ Michael Sady  
Michael Sady